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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,223	10/06/2003	Dominique Canpont	022702-056	2021
21839	7590	09/27/2006		
BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER MOORE, MARGARET G	
			ART UNIT	PAPER NUMBER

1712

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,223

Applicant(s)

CANPONT ET AL.

Examiner

Margaret G. Moore

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 to 16 and 18 to 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 to 16 and 18 to 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 12 to 16 and 19 to 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitation of the compatibilizer introduction taking place *optionally* in a first step does not appear to be supported by the specification. In fact, it appears that the addition of compatibilizer in a first step is required. This appears to be new matter.

2. Claims 12 to 16 and 19 to 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The process requires the addition of a compatibilizer. See for instance lines 12 and 13 of claim 12. Thus it is confusing to state that the compatibilizer introduction is optionally taking place in a first step. If it is optional, then the necessary compatibilizer is not added. On the other hand, any addition would have to include a first step. In addition it is unclear if the term optional modifies the compatibilizer fraction as well. Clarification is required.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 12 to 16 and 18 to 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Le Blanc et al.

This rejection relies on the rationale of record. Applicants' traversal is not persuasive. In fact it is not clear what applicants intend as their basis for this traversal. They state that

It is well established that in order to demonstrate anticipation under § 102(b), each element of the claim at issue must be found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 218 U.S.P.Q. 789 (Fed. Cir. 1983).

They do not, however, indicate what limitation they believe is not found, either expressly described or under the principles of inherency, in the prior art reference. The Examiner can only assume that they refer to the statement in the rejection that the examples do not show an example that meets the claimed weight requirement and that patentees do not specifically teach this requirement. However reading this statement in context of the entire rejection directs one to why the Examiner believes that Le Blanc et al. anticipate the claims. The examples don't specifically show this amount and Le Blanc et al. does not per se state that the amount of HMDZ falls within the claimed range. However taking the teachings in Le Blanc et al. of how much HMDZ is used in comparison to the total amount of filler results in values that fall well within the claimed range. For instance, as noted in the previous rejection, if the specifically disclosed lower limit of HMDZ is added as HMDZ1 in Example 2, this amount falls well within less than 8% of the total filler. Also, considering the teachings on column 4, including the specific amounts of HMDZ1 and filler, one arrives at a total compatibilizer fraction well within the claimed limit.

Since applicants fail to provide a specific argument about what is lacking in Le Blanc, the Examiner is not persuaded by this traversal. As such this rejection is maintained.

5. Claims 12 to 16 and 18 to 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujiki et al.

This rejection also relies on the rationale of record. Similar to the rejection over Le Blanc, applicants do not appear to specifically indicate what limitation in the claims is lacking in Fujiki et al. As such this rejection is maintained.


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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret G. Moore whose telephone number is 571-272-1090. The examiner can normally be reached on Monday to Wednesday and Friday, 10am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Margaret G. Moore
Primary Examiner
Art Unit 1712

mgm
9/22/06